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May 16, 2014

Via US Mail and Email

Mr. James Doyle
NY/Caribbean Superfund Team
EPA Region 2
290 Broadway, 17th Floor
New York, NY 10007

Re: Lower Ley Creek – Local Disposal Option

Dear Mr. Doyle:

I write in follow-up to the May 7th conference call to confirm that Onondaga County remains interested in exploring the possibility of a local disposal option for selected dredge spoils or upland soils requiring disposal and management as part of any potential Lower Ley Creek remedy. The County intends to continue discussions in that regard with Cooper Crouse-Hinds and others.

As explained during the call, any ultimate decision by the County is dependent on full disclosure of all relevant information and facts necessary to allow the County to evaluate all costs and benefits necessary t regarding a local disposal option.

In that regard, last week the New York State Department of Environmental Conservation identified a number of additional considerations that must be taken into account before any final decision is made with respect to any local disposal option. The County welcomed the State's input at this time as no final decision can be made by the County without the State's sign-off.

The County is taking this opportunity to provide the following information, which may be relevant to any discussions between EPA and NYSDEC with respect to both (a) remedy selection and (b) determining whether the locations under consideration constitute a site for purposes of federal and state law:

- The 1997 NYSDEC Record of Decision for the Ley Creek PCB Dredgings Site Salina (T), Onondaga County, Site Number 7-34-044 preferred remedy required PCB material to be relocated back from the Creek and capped. The selected remedy did not require installation of a liner but does require groundwater monitoring.

- The Onondaga Lake Bottom remedy includes the creation of a (Lake Bottom) Sediment Containment Area on Honeywell Wastebed, which was determined not to be a subsite of the Onondaga Lake Superfund Site.
- The Cooper Crouse-Hinds property includes a portion of the Ley Creek creek bed and flood plain and the landfills operated by Cooper Crouse-Hinds appear to have been a source of contamination to the Creek and its floodplains. See the enclosed 2011 letter from Murphy to NYSDEC.
- In addition, Cooper Crouse-Hinds contends that “contaminated” dredge spoils from Lower Ley Creek were used as daily cover on the Cooper Crouse-Hinds by the City of Syracuse.
- The Town of Salina Landfill is reported to have received and disposed of dredge spoils from Ley Creek and is a likely source of contaminants detected in the Creek.

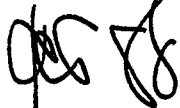
Lastly, it is apparent to Onondaga County that EPA is sharing information regarding the potential Lower Ley Creek remedy with select PRPs and not all PRPs. Onondaga County was informed of the potential volume of materials that may require local disposal from conversations with Cooper Crouse-Hinds and those estimates (along with the estimates of potential RACER Trust Upper Ley Creek waste volumes) were confirmed during the conference call.

Onondaga County appreciates the efforts by EPA to fully explore the potential cost savings that may be realized if a viable local disposal option can be identified. At the same time, it is readily apparent that each of the PRPs is simultaneously vying to determine not only if there may be a collective cost savings but how they might best maximize their individual cost savings or perhaps, “make a dollar” based on potential disposal options. The state of New York, the Town of Salina, and Cooper Crouse-Hinds have each staked their position regarding how and where dollars might flow. The County does not object to those efforts and again appreciates the frankness of the positions that have been staked out. The County’s concern however is that if all parties do not have all the necessary information and if all parties are not receiving information simultaneously it further complicate efforts to reach a resolution satisfactory to all parties and may prevent the parties from reaching a resolution that would, in fact, be the best solution for all concerned. The County requests that EPA reconsider how to balance the need for disclosure of those facts necessary to make an informed decision regarding disposal options with the need for an independent EPA remedy selection process. It is highly unlikely that any party will agree to take possession and control over a third-party’s waste site unless and until a full and complete due diligence process can be completed. In sum, there is a chicken and egg problem that needs to be overcome.

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In closing, I must reiterate that these comments do not constitute an admission by Onondaga County of any fact regarding or any liability for any potential remedy concerning Lower Ley Creek or any other site. Neither does this letter suggest the County's preference for a particular remedy or disposal site or a willingness, at this time, to assume ownership of any potential local disposal site.

Very truly yours
THE WLADIS LAW FIRM, P.C.

A handwritten signature in black ink, appearing to be 'K. Murphy', written over the printed name.

Kevin C. Murphy

KCM/cm

Cc: Pamela Tames
Luis Mendez, Esq.
David Coburn